

REMARKS

Claims 1-5, 9, 11-16, 25, 26 and 29-32 were pending in the subject application as of the January 6, 2006 mailing date of the current office action, in which claims 15 and 16 were allowed and claims 3-5 were indicated as allowable but for depending from a rejected base claim. Claims 25, 26 and 29-32 are rejected in the current office action under 35 U.S.C. §112, second paragraph, and claims 1, 2, 9, and 11-14 are rejected under 35 U.S.C. §102(b).

Applicant respectfully traverses the current claim rejections, which are overcome or demonstrated to be inappropriate in view of at least the amendments set forth above and/or the remarks that follow.

Claim Rejections Pursuant to 35 U.S.C. §112

Claims 25, 26 and 29-32 are rejected pursuant to 35 U.S.C. §112, second paragraph as being indefinite for allegedly omitting the structural relationship between the endoscope apparatus and the tip tool. Applicant has canceled claims 29-31 without prejudice. Applicant also has amended claims 25 and 32 to recite that an opening of the tip tool body of the tip tool is inserted over at least a portion of the outer surface of the endoscope tip of the endoscope apparatus. Support for this amendment is provided throughout the subject application as filed, including, *inter alia*, within numbered paragraphs [0009] and [00030]. Based at least on these actions, the rejections under 35 U.S.C. §112, second paragraph of claims 29-31 are moot and those of claims 25, 26 and 32 are overcome, thus rendering claims 25, 26 and 32 allowable at least in view of numbered paragraph 10 of the current office action.

Claim Rejections Pursuant to 35 U.S.C. §102

Claims 1, 2, 9 and 11-14 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,701,004 to Yohn. As indicated above, these claims have been canceled without prejudice herein; thus this rejection is moot and should be withdrawn.

New Claims

As indicated above, new claims 33-45 are presented herein. New claim 33 is an independent claim, support for which is provided throughout the application as filed, including, *inter alia*, by FIG. 1A and within numbered paragraphs [0009], [00022] and [00026]. Applicant submits that new independent claim 33 is allowable in view of the allowability of claims 25 and 32, and because the prior art of record, whether considered alone or in proper combination, does not disclose or suggest its recited features. No new matter is added in new dependent claims 34-44, each of which recites features identical or similar to those included in previously pending claims, as noted in the table provided below:

New Dependent Claim	34	35	36	37	38	39	40	41	42	43	44	45
Previously Pending Claim with Identical or Similar Features	1	6	7	9*	11	12	13	14	2	29	30	31

* - see also numbered paragraph [0025]

Thus, new dependent claims 34-45 are allowable for at least the reason that each depends from new independent claims 33, which, as noted above, Applicant submits is allowable as presented.

Claim Amendments and Cancellations

Applicant has amended and canceled claims herein solely to expedite prosecution of the subject application. By making these amendments and cancellations, Applicant does not dedicate the subject matter of the amended and/or canceled claims - as filed or as presently pending - to the public. Applicant also does not acquiesce to the Examiner's current or previous rejections of the amended and/or canceled claims, or to the current or previous reason(s) offered in support of such rejections. Applicant further reserves the right to seek patent protection for claims similar or identical to the amended and/or canceled claims - as filed and/or as presently pending - in one or more related applications.

Conclusion

In sum, all pending claims of the subject application are either cancelled herein without prejudice (i.e., claims 1-5, 9, 11-14 and 29-31), were allowed in the current office action (i.e., claims 15 and 16), are allowable based at least on being amended herein to overcome a 35 U.S.C. §112 rejection (claims 25 and 32), are allowable based on reciting features not disclosed or suggested in the prior art of record (i.e., claim 33), or are allowable at least on their dependency from an allowable claim (i.e., claims 26 and 34-44).

For at least these reasons, the subject application is believed to be in immediate condition for allowance. Reconsideration and allowance of claims 25, 26 and 32 are respectfully requested, as are initial consideration and allowance of new claims 33-45. If the undersigned can be of any assistance in advancing the prosecution of this application, the Examiner is invited to contact him through use of the information provided below.

Information Disclosure Statement

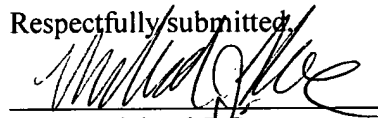
Applicant notes, for the record, that an Information Disclosure Statement (with fee) is enclosed herein for the Examiner's consideration.

Fees

This response is being timely filed; thus, no extension fee is believed to be due in connection therewith. Moreover, the total number and type of claims pending upon entry of this response (i.e., eighteen total claims, four of which are independent) is equal to the number and type of claims previously pending (e.g., eighteen total claims, four of which were independent). Thus, although no added claims fees are believed to be due in connection with this response, the Commissioner is hereby authorized to charge any such necessary fees, or to credit any overpayment, to Deposit Account No. 50-0289.

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Respectfully submitted,



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